

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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|-----------------------------------|---|-------------------------|
| |) | No. 05 10416 MEL |
| MUSKET RESEARCH ASSOCIATES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| OVION, INC., WILLIAM S. TREMULIS, |) | |
| and JEFFREY P. CALLISTER, |) | |
| |) | |
| Defendants. |) | |
| |) | |
| OVION, INC., |) | |
| |) | |
| Counterclaimant, |) | |
| |) | |
| v. |) | |
| |) | |
| MUSKET RESEARCH ASSOCIATES, INC., |) | |
| DAVID B. MUSKET, and |) | |
| SUE ANN LATTERMAN, |) | |
| |) | |
| Counterdefendants. |) | |
| |) | |

**MUSKET RESEARCH ASSOCIATES, INC.'S EMERGENCY MOTION
TO QUASH OVION INC.'S NONPARTY SUBPOENAS AND FOR SANCTIONS**

Plaintiff Musket Research Associates, Inc. ("MRA") hereby moves to quash the nonparty subpoenas issued by Defendant Ovion, Inc. ("Ovion") which are attached as Exhibit H to the memorandum submitted in support of this motion. MRA further moves for sanctions against Ovion's counsel for violating Rule 45(b)(1) and for gratuitously enclosing its defamatory *Defendants' Memorandum* with nonparty subpoenas served on MRA's important business contacts. MRA files this motion on an emergency basis because prompt action is necessary to

protect MRA's reputation. MRA requests that this motion be heard on January 18, 2006. In support of this motion, MRA relies on the accompanying memorandum.

Request for Oral Argument Under LR 7.1(d)

MRA requests an oral argument on this motion.

WHEREFORE, Musket Research Associates, Inc. respectfully request that the Court grant this motion.

Respectfully submitted,

MUSKET RESEARCH ASSOCIATES, INC.,
DAVID B. MUSKET and
SUE ANN LATTERMANN
By their attorneys,

/s/ Brooks A. Ames

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Dated: January 12, 2006

Local Rule 37.1 Certificate

I, Brooks A. Ames, certify that counsel for Musket Research Associates, Inc have complied with the provisions of Local Rule 37.1 and conferred with counsel for Ovion. Inc. on January 6, 2006 by telephone, and exchanged numerous written correspondences, in a good faith attempt to narrow the areas of disagreement between the parties.

/s/ Brooks A. Ames

Brooks A. Ames (BBO# 641192)